

**TUESDAY, JUNE 26, 2001**

**FIFTY-SIXTH LEGISLATIVE DAY**

The House met at 1:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Hagood.

Representative Hagood led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 99.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. Givens was recognized in the Well to introduce Attorney General Paul Summers and Mr. Mike Moore, Mississippi Attorney General, for remarks.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 27, 2001:

**House Resolution No. 167** -- Memorials, Recognition - Robert Sweat Jr., John Westley United Methodist Church Fellowship Hall. by \*Pruitt.

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 26, 2001**, reported the following:

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 968, also House Bill(s) No(s). 934 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

**House Resolution No. 166** -- Memorials, Recognition - South Harriman Baptist Church. by \*Ferguson.

**Senate Joint Resolution No. 451** -- Memorials, Death - William Robert Alcorn. by \*McNally, \*Atchley, \*Burks, \*Miller J, \*Blackburn, \*Burchett, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Eisea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 453** -- Memorials, Retirement - Bobby Boner. by \*Kyle, \*Rochelle, \*Haynes, \*Harper, \*Henry, \*Graves.

Rep. Lewis moved that all members voting aye on Senate Joint Resolution(s) No(s). 451 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

REGULAR CALENDAR

**\*House Bill No. 1515** -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by \*Head. (SB1758 by \*Haun, \*Burks)

Further consideration of House Bill No. 1515 previously considered on June 23, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1515 was reset for the Regular Calendar on June 29, 2001, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Caldwell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 579 out of order, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

**House Joint Resolution No. 579** -- Memorials, Recognition - Caldwell Family Reunion. by \*Caldwell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Caldwell, the resolution was adopted.

A motion to reconsider was tabled.

REMARKS

Rep. Boyer made the following remarks and requested that the same be spread upon the Journal:

*Thank you, Mr. Speaker...I've been over here nine years and I rise for a point of personal privilege that I've never done before...and I would it like spread on the record...*

*You know, we operate under the rule of law...we have been doing that for something over two hundred years now...and it works. It ain't perfect...it's sort of like Winston Churchill said: "democracy is the worst government there is, except for all the others." And I've got every confidence that it will continue to work...as long as we don't get personal. Now, that's hard not to do sometimes, and I understand that. Now, I don't think there's anyone in this Chamber that doesn't know where I'm at. I committed not to vote for an income tax, and I won't...[however], I did not make any promise not to raise revenues. If I felt like that they were needed, and I do—and I've worked on and tried to help generate plans that would do that. So far, they've been unsuccessful...just as everything else we have attempted up to this point has been unsuccessful. But I believe the rule of law works...and I think it will continue to work. And I think that no matter what comes...it will still be in the best interests of this country because it will have to represent the majority of you...in some way.*

*Now the thing that I don't tolerate very well is any kind of personal attack. And I will tell you that I had a phone call a little while ago from a community nearby here that said that one of their two representatives told him that I was voting for an income tax...and that's a lie...and whoever said it is a liar. If we allow the process to breakdown, because we're that on edge and we're that tight...then we may be here in August...we may be here in September...but the process can work if we refrain from publicly ridiculing or criticizing the rest of the folks in this Chamber. There are ninety-nine of us in here and everybody in here's got...basically has their own view when you get right down to it. I mean, I think that's pretty well been spelled out and that we really have not been able to bring a consensus on any particular given set of issues. Now I believe that there is one there, somewhere, I don't know what it is. I'm convinced there's one there...given time, we're going to find it. It may be more cuts than I want, or it may raise more revenue than I want...but there is one somewhere that will work. And ladies and gentlemen, we owe it to the folks we're representing—to keep working until we find that. And we need to do it without rancor or criticism. And I hope that we can commit to do that, because if we don't, [then] I think we're going to be here for a long time...thank you, Mr. Speaker.*

REPORT OF CHIEF ENGROSSING CLERK  
June 26, 2001

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 182, 563, 565, 566, 567, 568, 570, 571, 572, 573, 574 and 575.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**June 26, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 579.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**June 26, 2001**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 166; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 26, 2001**

The Speaker signed the following: House Resolution(s) No(s). 166.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1169; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**June 26, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 26, 2001**

The Speaker signed the following: House Bill(s) No(s). 1169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1169; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 26, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1678.

The Senate refused to recede from its action adopting Amendment(s) No(s). 7, 9 and 11.

The Speaker appointed a Conference Committee composed of Senators Person, Jackson, Cohen, Trail and McNally to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1678.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 572.

The Senate refused to recede from its action adopting Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators McNally, Graves and Trail to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 572.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1155.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 451 and 453; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**June 26, 2001**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 451 and 453.

**MESSAGE FROM THE SENATE**

**June 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1731; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

**SIGNED**

**June 26, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 1731.

**ROLL CALL**

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Williams, the House stood in recess until 1:30 p.m., Wednesday, June 27, 2001.